

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21811 of 2007

-
Dated: October 11, 2007
-
-

Between:

K. Venkataramanaiah, S/o. Venkata Subbaiah,
Aged 45 years, Occ: Agriculture, R/o. Venkatagiri
Village and Mandal, Nellore District.

... Petitioner

And

The Sub-Registrar, Srikalahasti, Chittoor District,
And others.

... Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the first respondent in not entertaining the sale deed submitted by the petitioner for registration in respect of lands to an extent of Ac.4.50 cents in Sy.Nos.3-1A, 3-1C, 3-2C and 3-1B situated in Chintalapalem village, Yerpedu Mandal, Chittoor District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing for the respondents.

3. In the affidavit filed in support of the writ petition, it is stated that the aforementioned lands were originally assigned to one Mr. M. Venkatarayulu, S/o. Krishnaiah; he obtained loan from the Primary Agricultural Cooperative Society, Yerpedu, by mortgaging the said lands, however when he defaulted in payment of loan amount, the said lands were put to auction. The case of the petitioner is that he purchased the aforementioned lands in the auction conducted by the Chittoor District Cooperative Bank Ltd. The grievance of the petitioner is that when he has presented sale deed for registration, first respondent has refused to receive the same on the ground that the aforementioned lands are assigned lands.

4. The question whether the prohibition contained under Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 ('the Act' for brevity) applies to the lands which are brought to sale by a Cooperative Society, mentioned in Section 6 of the Act, for redemption of mortgage, came to be considered by this court in W.P.Nos.14743 & 14750 of 2007. A learned single judge of this court, while allowing the said writ petitions, held that the prohibition contained under Section 3 of the Act does not come in the way for sales effected by a Cooperative Society registered under the A.P. Cooperative Societies Act, 1964. Accordingly, directions were issued not to treat the lands therein as assigned lands and the documents presented for transfer were directed to be entertained and processed in accordance with law.

5. It is submitted by learned counsel for the petitioner and admitted by learned Government Pleader appearing for the respondents that the present writ petition is covered to be allowed in terms of the aforesaid order of this court.

6. Recording the submission of the learned counsel and following the ratio laid down in the aforesaid order, this writ petition is allowed holding that the lands in question, purchased by the petitioner in the auction conducted by the District Cooperative Central Bank Ltd., Chittoor shall not be treated as assigned lands and the documents presented by the petitioner for registration shall be entertained by the first respondent and processed in accordance with law provided the same are in accordance with the provisions of the Registration Act, 1908 and the rules made thereunder. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 12, 2007

MRR